

**REMARKS**

**FEBRUARY 10, 2003 TELECONFERENCE**

The undersigned Attorney-of-Record and Examiner Druan discussed the current application and claims on February 10, 2003, as part of a teleconference that included other Earl Votolato applications. The undersigned Attorney-of-Record suggested amending claim 1 to include language directed to the fact that the blade guard in the present application moves automatically when an over exposed condition is reached. The undersigned Attorney-of-Record also pointed out that in the Owens reference, the blade guard can't be disengaged without being actually disengaged by the user. There is no intercept member that disengages the blade guard without continued movement by a user. Examiner Druan suggested that this may solve the issues surrounding the Owens reference and asked that the undersigned Attorney-of-Record submit a Response After Final. Please find attached said Response After Final and amended claim 1, as suggested by Examiner Druan.

**35 USC §102**

Claims 1-10 are herein rejected under 35 USC §102(b) as being anticipated by Owens et al. (US 5,878,501). The Applicant respectfully disagrees.

Claim 1 recites in part "A utility knife tool comprising:...g) an intercept member for **disengaging the blade cover driver upon blade cover movement exceeding the exposure distance** and dispatching the blade cover to the locking configuration covering the cutting edge of the blade, **wherein the intercept member dispatches the blade cover without continued action by a user.**" (emphasis added).

The Original Specification, page 3, paragraph 0009 further describes the intercept member by stating that:

"Continued movement of the trigger lever, such as that which may automatically occur in a panic situation, **causes contact of the blade**

**cover with the intercept member which causes disengagement of the trigger lever from the blade cover and the return of the blade cover to a locked position covering the cutting edge of the blade.”**  
(emphasis added)

More specifically, in the Original Specification, page 6, paragraph 0022 again further describes the intercept member by stating that:

“As long as the trigger lever 50 is maintained in this position, the knife tool 10 is fully functional for cutting material. However, and is illustrated in Figures 6 and 7, if the trigger lever 50 is drawn proximally a further distance, as may occur in an emergency or hazardous situation, to thereby exceed the exposure distance, the proximal end of the releaser 42 becomes misaligned by striking the inclined ramp 68 within the travel path of the blade cover 16 inside the hollow interior portion 14 thereof and forces the hook 52 of the trigger lever 50 from the ledge 38 of the blade cover 16. When this occurs, **the return spring 56 immediately draws the blade cover 16 distally to cover the cutting edge 18 of the blade 20 while the locking ring 54 simultaneously engages the transverse opening 34 of the blade cover 16 for locked immobility and resulting minimization of potential injury because of an exposed blade 16.** In this manner, the knife tool 10 here defined permits both superb cutting efficiency and sensed potential injury to thereby provide equipment able to accomplish a favorable work product.” (emphasis added)

Owens teaches in Column 4, lines 17-37 that depression inwardly of the buttons 76 deflects the arms 72 inwardly and moves the tabs 78 outwardly of the notches 70 as illustrated by the lower button in Figure 9 and in Figure 36. The blade guard 14 is then moved inwardly or outwardly by pushing the tabs 78 along the slots 52. Owens does not disclose or suggest that if the blade guard is moved back too far to a certain point in relation to the notches exposing the cutting edge of the blade that an intercept member will contact the blade cover and disengage it back to where the blade cover is covering the cutting edge of the blade and is in a locked position. This safety feature found in the Present Application is not present on the Owens knife in any of the Figures or in the Detailed Description despite the interpretation of Owens presented by the Examiner on pages 2-3 of Paper No. 3.

In addition, Owens does not teach all of the claimed elements of the present application. "Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Assocs. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)) Further, the prior art reference must disclose each element of the claimed invention "**arranged as in the claim**". *Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Owens does not teach a utility knife tool having an intercept member for disengaging the blade cover driver upon blade cover movement exceeding the exposure distance and dispatching the blade cover to the locking configuration covering the cutting edge of the blade, **wherein the intercept member dispatches the blade cover without continued action by a user**. Claim 1 is therefore allowable as not being anticipated by Owens. Further, Owens does not anticipate claims 2-10 of the present application by virtue of their dependency on claim 1.

Serial No.: 09/804,451  
Rutan Docket No. 019502.0014US1

**REQUEST FOR ALLOWANCE**

Claims 1-10 are pending in this application. The applicants request allowance of all pending claims.

Respectfully submitted,

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Dated: May 27, 2003

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**MARKED UP COPY OF THE CURRENT CLAIMS**

1. (Amended) A utility knife tool comprising:
  - a) a handle with a distal portion;
  - b) a blade secured to and extending from said distal portion, said blade having a cutting edge;
  - c) an integral blade cover for covering the cutting edge of the blade when the tool is not in use;
  - d) a blade cover retainment member for lockedly maintaining the blade cover in a position covering the cutting edge of the blade;
  - e) a hand operable releaser for releasing the retainment member from a locking configuration;
  - f) a hand operable blade cover driver for moving the blade cover an exposure distance and exposing the cutting edge of the blade for use; and
  - g) an intercept member for disengaging the blade cover driver upon blade cover movement exceeding the exposure distance and dispatching the blade cover to the locking configuration covering the cutting edge of the blade, wherein the intercept member dispatches the blade cover without continued action by a user.
2. A utility knife tool as claimed in Claim 1 wherein the handle has a generally hollow interior portion, and wherein the blade cover is generally cylindrical with a wall having a longitudinal slit through which the blade resides.
3. A utility knife tool as claimed in Claim 2 wherein the releaser and driver are incorporated as a trigger assembly comprising an exteriorly accessible finger-movable trigger lever extending from the handle and in engaged communication first with the retainment member for releasing said member from the locking configuration upon initial trigger lever movement and in engaged communication second with a proximal site of the blade

- cover for moving the blade cover said exposure distance upon continued trigger lever movement.
4. A utility knife tool as claimed in Claim 3 wherein said retainment member and said proximal site of the blade cover are disposed within the generally hollow interior portion of the handle.
  5. A utility knife tool as claimed in Claim 4 wherein the intercept member is disposed within the generally hollow interior portion of the handle.
  6. A utility knife tool as claimed in Claim 5 wherein the intercept member is disposed within a travel path of the blade cover beyond said exposure distance for disengaging the engaged communication of the trigger lever with said proximal site of the blade cover.
  7. A utility knife tool as claimed in Claim 1 wherein the releaser and driver are incorporated as a single trigger assembly comprising an exteriorly accessible finger-movable trigger lever extending from the handle and in engaged communication first with the retainment member for releasing said member from the locking configuration upon initial trigger lever movement and in engaged communication second with a proximal site of the blade cover for moving the blade cover said exposure distance upon continued trigger lever movement.
  8. A utility knife tool as claimed in Claim 7 wherein said retainment member and said proximal site of the blade cover are disposed within the handle.
  9. A utility knife tool as claimed in Claim 8 wherein the intercept member is disposed within the handle.
  10. A utility knife tool as claimed in Claim 9 wherein the intercept member is disposed within a travel path of the blade cover beyond said exposure distance for disengaging said engaged communication of the trigger lever with said proximal site of the blade cover.